

REMARKS/ARGUMENTS

The Office has required a provisional election of species of a particular compound and disease or disorder to be treated.

Applicants elect, with traverse and for examination purposes only, the following species (readable on at least Claims 1-41):

A neuropeptide Y (NPY) receptor: 2-[4-(8-methyl-2-oxo-4H-benzo[d][1,3]oxazin-1-yl)-piperidyn-1-yl]-N-(9-oxo-9H-fluoren-3-yl)acetamide hydrochloride.

A compound with 5-HT₆ receptor: N-[3-(2-dimethylaminoethyl)-1H-indol-5-yl]-5-chloronaphthalene-2-sulphonamide.

A disease: regulation of appetite.

Support for the election is found at specification page 421, item (ii) [23].

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP § 808.01(a). The Office has not provided adequate reasons or examples to support a conclusion that the species, as claimed, are indeed patentably distinct. Accordingly, Applicants respectfully submit that the election requirement is improper, and Applicants' election of species is for examination purposes only.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



Soonwuk Cheong, Ph.D.

Registration No. 62,793

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 07/09)